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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 11-0811 EMC
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	SCHEDULING A HEARING DATE ON JUROR'S
v.)	CONDUCT AND CONTINUING SENTENCING
)	HEARING DATE
HASAN IBRAHIM,)	
)	
Defendant.)	
)	
)	

After consulting with the Court's Courtroom Deputy, the United States of America, by and through its counsel Assistant United States Attorney Peter Axelrod, and the defendant, by and through his counsel Dennis P. Riordan, stipulate and agree as follows:

- 1) The evidentiary hearing to inquire into a juror's conduct will be ~~scheduled~~ for December 9, 2013, at ~~10:00 a.m.~~; and
- 2) The sentencing hearing date will be continued to January 24, 2014, at 3:00 p.m.

STIPULATION AND [PROPOSED] ORDER
CR11-0811 EMC

Respectfully submitted,

MELINDA HAAG
United States Attorney

/S/

DATED: November 25, 2013

PETER B. AXELROD
BRIAN J. STRETCH
Assistant United States Attorneys

/S/

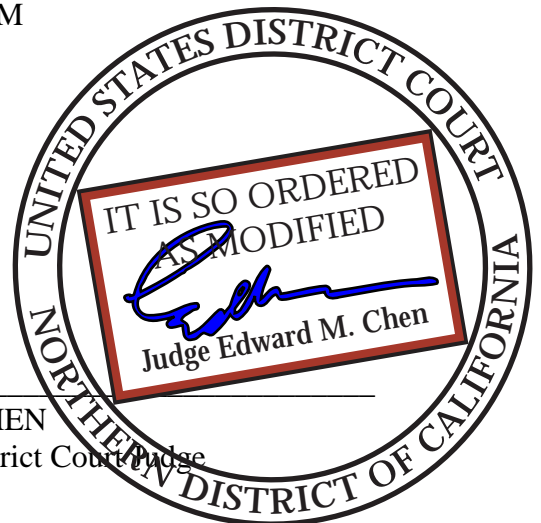
DATED: November 25, 2013

DENNIS P. RIORDAN
Attorney for Defendant
HASAN IBRAHIM

IT IS SO ORDERED. *(See modification below)

DATED: 11/26/13

EDWARD M. CHEN
United States District Court Judge



*A hearing on the propriety and utility of an evidentiary hearing to inquire into a juror's conduct will be scheduled for December 9, 2013, at 10:00 a.m. The parties shall be prepared to discuss the potential applicability of Fed. R. Evid. 606(b) ("During an inquiry into the validity of a verdict or indictment, a juror may not testify about . . . the effect of anything on that juror's or another juror's vote; or any juror's mental processes concerning the verdict or indictment."). See also *United States v. Farmer*, 717 F.3d 559 (7th Cir. 2013) ("[W]hen a district court receives information after a verdict is returned that jurors engaged in premature deliberation or made pre-deliberation statements indicating they had already made up their minds, Rule 606(b) . . . prevent[s] consideration of evidence about whether and how such statements or conduct may have affected actual deliberations and verdicts. "); *United States v. Kimberlin*, 805 F.2d 210, 243-44 (7th Cir. 1986) (holding Rule 606(b) barred consideration of the effect on jurors of one juror's pre-deliberation inappropriate comments.)

STIPULATION AND [PROPOSED] ORDER
CR11-0811 EMC